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Agenda item 137

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK
OF ITS FORTY-SIXTH SESSION

Argentina, Australia, Belarus, Belgium, Canada, Denmark,
Finland, Iceland, Italy, Jamaica, Malaysia, New Zealand,
Norway, Poland, Russian Federation, Sweden and Trinidad
and Tobago: draft resolution

United Nations Conference to Establish an International
Criminal Court

The General Assembly,

Recalling its resolutions 45/41 of 28 November 1990 and 46/54 of 9 December 1991 in which it requested the International Law Commission to consider the question of international criminal jurisdiction, including the possibility of establishing an international criminal court or other criminal mechanism,

Recalling further its resolution 47/33 of 25 November 1992 in which it charged the International Law Commission with the project of the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work as a matter of priority with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session,

Noting that the International Law Commission, at its 2374th meeting, adopted the text of such a statute and decided at its 2376th meeting to recommend, in accordance with article 23 of its statute, that an international



conference of plenipotentiaries is convened to study the draft statute and to conclude a convention on the establishment of an international criminal court,

Recalling that article VI of the Convention on the Prevention and Punishment of the Crime of Genocide ^{1/} of 1948 refers to the possibility of trial of individuals by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction,

Recalling also that the Security Council, in its resolution 827 (1993) of 25 May 1993, creating an ad hoc tribunal to prosecute persons for grievous violations of international humanitarian law committed in the territory of the former Yugoslavia, stated its belief that the establishment of such a tribunal would contribute to ensuring that the violations ended and the perpetrators were brought to justice,

Convinced that international cooperation in the effective prosecution and suppression of crimes of international concern will be assisted by the creation of a permanent international criminal court,

1. Decides to convene a United Nations conference at the highest possible level of participation in 1996;
2. Affirms that the Conference should conclude a Convention on the Establishment of an International Criminal Court;
3. Decides to establish a Preparatory Committee of the General Assembly open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;
4. Decides that the Preparatory Committee shall hold an organizational session early in 1995 and substantive sessions in 1995 and 1996, all at United Nations Headquarters in New York, the timing and duration of which shall be determined by the Preparatory Committee at its organizational session;
5. Decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographic representation, the Chairman and other members of its bureau;
6. Requests the Secretary-General of the United Nations to make appropriate secretariat arrangements;
7. Decides that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations and within existing resources;
8. Decides to establish a voluntary fund for the purpose of supporting developing countries, in particular the least developed among them, in

^{1/} Resolution 260 A (III), annex.

participating fully and effectively in the Conference and in its preparatory process, and invites Governments to contribute to the fund;

9. Requests the Chairman of the Preparatory Committee to report to the General Assembly at its fiftieth session on the progress of the work of the Committee;

10. Decides to include in the provisional agenda of its fiftieth and fifty-first sessions an item entitled "United Nations Conference to Establish an International Criminal Court".
